

CITY OF BELMONT

P L A N N I N G C O M M I S S I O N

ACTION MINUTES

WEDNESDAY, JULY 5, 2006 7:00 PM

Chair Parsons called the meeting to order at 7:00 p.m. at the One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL:

Present, Commissioners: Parsons, Horton, Frautschi, Mayer, Mercer, Wozniak,

Absent, Commissioners: McKenzie

Present, Staff: Community Development Director de Melo (CDD), Associate Planner Walker (AP), Acting City Attorney Noske (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS: None

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR: None

4A. Minutes of 5/16/06

MOTION: By Commissioner Mercer seconded by Commissioner Wozniak, to accept the Action Minutes of 5/16/06 as presented.

Ayes: Horton, Wozniak, Frautschi, Mayer, Mercer, Parsons

Noes: None

Absent McKenzie

Motion passed 6/0/1

4B. Minutes of 6/7/06

MOTION: By Commissioner Mercer, seconded by Vice Chair Horton, to accept the Action Minutes of June 7, 2006 as revised.

Ayes: Mercer, Horton, Wozniak, Parsons

Noes: None

Abstain: Frautschi, Mayer

Absent: McKenzie

Motion passed 4/0/2/1

5. OLD BUSINESS:

5A. Final Landscape Plan - 2803 Ponce Avenue

AP Walker summarized the staff report, recommending adoption of the resolution with the conditions as listed.

Commissioner Mercer called attention to the paved area to the left of the driveway. Since it was not on the original approval, AP Walker suggested the addition of a condition that it be removed.

Commissioner Mayer felt that the post box needs to be replaced.

Commissioner Frautschi requested staff to insure that an irrigation system with at least 4 or 5 stations be included.

Commissioner Mayer asked if there is a reason the sidewalk needs to be reconstructed. CDD de Melo will check with Public Works. Commissioner Frautschi recalled that the sidewalk was put there because of flooding issues from the street.

Commissioner Mercer could not approve based on too much hardscape. When trying to visualize from the street she saw concrete followed by stucco followed by a very tall 2-story house. She did not believe the retaining wall is required as it is not retaining anything.

Commissioner Frautschi agreed that it is a lot of hardscape but felt that the landscaping may soften it.

C Wozniak could approve the plan but would like to see more trees.

Vice Chair Horton felt that large trees in front will help the street overall.

Chair Parsons would prefer to see some other kind of surface other than a concrete block wall on the front but there is going to be landscaping between the wall and the sidewalk which will mitigate it somewhat. Question needs to be confirmed if they are going to replace the sidewalk; if not there needs to be landscaping. He did not see a need for the turnaround in the driveway; it was not in original plans and does not comply with Belmont code.

CDD de Melo will summarize the comments as follows:

- Removal of the pad
- Turnaround issue on the driveway
- Clarify sidewalk issue with Public Works
- Include an irrigation plan that would have 4-5 stations.
- With those modifications, staff would have the latitude to finalize the details of this plan.

MOTION: By Commissioner Frautschi, seconded by Vice Chair Horton, to approve the Final Landscape Plan for 2803 Ponce Avenue (Appl. No. 2005-0069) with the addition of the removal of the parking pad, complete sidewalk plan and an irrigation plan with at least 4-5 stations, to be approved by staff.

Ayes: Frautschi, Horton, Mayer, Wozniak Parsons

Noes: Mercer

Absent: McKenzie

Motion passed 5/1/1

5B. Final Landscape Plan - 1505 Solana Drive

AP Walker summarized the staff report, recommending adoption of the Resolution with the conditions of approval as listed therein.

John Nielsen, applicant and contractor, stated that finished concrete would be used for the wheel chair ramp. Regarding the irrigation plan, he felt it would be a waste of money to pay a landscape architect to design it, since the landscape contractor would need to install it and warranty his work.

Commissioner Frautschi stated that the plan is not as complete as they require since it is not done by a licensed landscape architect. He would like to see larger shrubs in front that would reduce the look of the foundation. He questioned the use of Monterey Cypress as it is higher maintenance tree and noted that grass planted under it would not survive.

Vice Chair Horton felt that a plan calling out all species in the back yard should not be required. She added that the reason they ask for an irrigation plan is because people don't do them and there is nothing for the Commission to fall back on. She felt that the plants in front are too small.

Commissioner Mercer concurred about the selection of plants; the purpose of foundation plants is to reduce the height of the house. Could not approve with the choice of Monterey Cypress. In keeping with rest of street, she suggested a taller tree such as sycamore or walnut with a wide-spreading canopy to the street which would help screen the upper floor of the house. She felt that the only way to improve the hardscape is to mitigate with more sizeable shrubs.

Chair Parsons stated that this was not a Landscape Plan. No landscaping to screen either side of the stairs going up to the front porch, no screening down to driveway, a big foundation going up to front porch needs to be treated. What will it look like, what will it be built with, will it have a finished side? Monterey Cypress trees are inappropriate for Belmont except in large park areas; can't survive on a lawn or the lawn would not survive.

Matt Cramer, property owner, recognized that the landscape plan does not meet the Commission's standards but is very familiar with the work of the landscaper, who does not have the skills to present a precise plan. In terms of the tree, it was picked off of the approved list of trees but whatever the Commission wants will be acceptable.

Responding to Chair Parson's question, the applicant stated that the steps will be made of concrete and they will try to bring the grade up so that it does not show a lot of wall on the uphill

side; nothing they can do about downhill side, there will be a wrought iron railing on both sides coming down from the porch and one side on the landing going down to the driveway.

Chair Parsons reiterated that they need to see more detailed foundation planting. They do not have a grading plan to go with this, which would have helped. He could not vote for this without seeing more landscaping because they are going from a 1-story house to almost 2-1/2 stories. Needs landscaping to minimize the massive change to the look of the house. He wants to see a real Landscape Plan that shows a more thought out plan.

MOTION: By Commissioner Frautschi, seconded by Commissioner Mercer, to continue the Final Landscape Plan for 1505 Solano Drive (Appl. No. 2005-0057) with the deletion under the fourth “Whereas” of the requirement for a landscape plan for the rear yard, addition of the comments of staff about tree type, detail for front steps, and additional foundation plants.

Ayes: Frautschi, Mercer, Mayer, Parsons

Noes: Horton

Abstain: Wozniak (lives within 300’ of the property)

Absent: McKenzie

Motion passed 4/1/11

CDD de Melo stated that staff will work with the applicant to incorporate the Commission’s comments and come back with a revised Landscape Plan.

6. PUBLIC HEARINGS:

6B. PUBLIC HEARING – 1700 ROBIN WHIPPLE WAY

To consider a Variance to expand an existing one-car garage by constructing a 217 square-foot addition onto an existing 2,146 square-foot single-family residence for a total of 2,363 square feet that is below the zoning district permitted 3,078 square feet for the site. The addition would encroach approximately 4.5 feet into the required 25-foot front yard setback.

(Appl. No. 2006-0034) APN: 044-322-330; Zoned: R-1C (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)

Applicant/Owner: Brad Olsen

AP Walker summarized the staff report, recommending denial of the application based on the inability to find for Findings a) and b).

Commissioner Wozniak asked if the house had recently been remodeled.

Brad Olson, property owner, stated that a remodel was done 7 years previously with permits and approval. When he bought the house he intended to fix it up and then move but decided to stay there after the remodel was completed. He has struggled with the one-car garage and is trying to eliminate the tremendous amount of street parking. His plan was actually developed by the neighbors, starting at a block party. The neighborhood really needs additional off-street parking. He could not fit a 2-car garage onto the lot without a Variance. He feels that the L-shaped garage sitting forward a bit mimics the other houses in the neighborhood and will not be noticed as you are coming down the street.

Commissioner Frautschi asked the applicant for his response to Findings a) and b).

Mr. Olson responded as follows:

a) The existing floor plan presents a practical difficulty by preventing the addition of a two-car garage without major demolition of other parts of the house. It would eliminate the hallway and one bathroom and leave no travel corridor through the house. He is asking for a Variance to allow the new two-car garage to extend into the front yard setback by 4'8" to yield a 20 x 20 garage.

b) The unique floor plan of the house presents extraordinary conditions. It is unique because of some of the remodeling that was done 7 years previously. Had he known he was going to stay he would have done the 2-car garage then. Presents extraordinary conditions which prevent the two-car garage without exceeding the front yard setbacks. The majority of the other houses on the street have floor plans which facilitate the addition of a two-car garage without exceeding setbacks. The applicant is willing to convert a portion of the living space into the garage. This conversion will ease the off-street parking condition, which is in contrast to most cases by converting parking space into living space and creating additional off-street parking. The majority of the floor plans on his street would facilitate a 2-car tandem garage rather than side by side parking. His house would not do that because of the location of the kitchen and the great room. He did not realize that tandem garages also require a Variance.

Eric Keng architect for the project added that this requested front setback is just slightly out of the average in the neighborhood and is based on an average.

Motion by: Vice Chair Horton, seconded by Commissioner Wozniak, to close the public hearing. Motion passed.

Commissioner Wozniak asked why there is a 25' setback in this particular neighborhood. CDD de Melo replied that for all R-1A, B and C Districts, the front setback is not 15', it is based on the setback average. It is between 15 and 30, so while 15 is the minimum, 30 could be the actual maximum for a setback – it is based on taking the average of properties on both sides of the dwelling, no more than 400' in a linear distance or until you actually hit a street intersection. That setback averaging is in the zoning code and is applicable to all R1A, B and C Districts.

Chair Parsons asked if the porch would require a Variance if there was no garage sticking into that 24'. CDD de Melo replied that any addition in front would need a variance based on setback as the house is right at the 25' setback.

Commissioner Mayer asked if the variance were granted, would that open the door for anybody on that street to have similar grounds for asking for a Variance. CDD de Melo replied that they try to look at each project on a case-by-case basis. Look for a physical hardship on the lot itself. A natural feature would be the type of issue that could warrant the Variance – tree, rock or something that physically prevents them from meeting the requirement.

Commissioner Wozniak stated that she could not vote for it.— it's a hard position for her because it's a minor infringement into the setback and she thoroughly believes in 2-car garages. She cannot make Findings a), b) and d).

Commissioner Frautschi commented that he could not allow the physical or visual breaking of the front setbacks along the street. It would totally change the visual character of the street – this would and could set the stage for future legal nonconforming development. By and large this is not a parity difference in parking. The situation is not confiscatory, and will not produce a unique hardship for the applicant. With very few changes they could have gotten the two-car garage in without a Variance—by changing to half bath where the full bath and pushing the second bedroom back, or putting a bathroom between bedrooms 1 and 2. Problem is how to get from the kitchen to those areas. Supports staff in the denial based on Variance Findings a) and b) and close calls on c), d) and e).

Vice Chair Horton had convinced herself that there is a practical difficulty - moving plumbing around is practical difficulty. She is bothered that they approved a house down the street that looks wonderful but is a 3,000 sq.ft. house with a 1-car garage. The street is charming but looks awful with all the cars on the street. I can't seem to find an exceptional or extraordinary circumstance, however, I think we have a problem somewhere with some of our zoning codes in not allowing someone to do exactly what we want them to do.

Commissioner Mercer shared opinions that the City needs more off-street parking – regrets that it was not brought up before the first remodel – could have been incorporated then. She could not make the Findings, particularly D as she felt that granting the Variance would constitute a special privilege. The rest of the neighborhood is 1-car garages. Could not approve it.

Commissioner Mayer concurred with Vice Chair Horton. Something lacking in our code that forces us to make such an arbitrary judgment where the impact to the look of the neighborhood is absolutely minimal. We are dealing with existing rules and regulations so we have to work within them. Could not support this Variance.

Chair Parsons felt that it is a nice looking plan – façade would look much prettier than it does today – but variance would reduce the average setback on the street by a certain percentage and next thing you know the next house would be 18' and the next one might be 15'—by granting a

Variance here we might be setting a precedent. We have to rule based on a certain set of findings and as Planning Commissioners are bound to vote based on the facts. Cannot find for a) and b) and would be setting a precedent. Would vote to deny.

Chair Parsons asked the applicant if he would be interested in continuing the project for redesign to eliminate the Variance. Applicant answered that he would not. CDD de Melo added that if he had designed the project to meet the setback standards this would not have come before the Commission because it is 217 sq.ft.

MOTION: By Commissioner Wozniak, seconded by Commissioner Frautschi, to deny a front yard setback Variance for 1700 Robin Whipple Way (Appl. No. 2006-0034) based on the inability to make the Findings under a) and b) subject to the facts set forth in the staff report.

Ayes: Wozniak, Frautschi, Mayer, Mercer, Parsons

Noes: Horton

Absent: McKenzie

Motion passed 5/1/1

Chair Parsons noted that this item may be appealed to City Council within 10 calendar days.

7. NEW BUSINESS

7A. 1320 Talbryn Drive – Preliminary Design Review (Appl. No., 2006-0043)

CDD de Melo summarized the staff report for the conceptual plan that has been provided to the City for a 6-lot subdivision for 5 single-family homes and 1 landscape and common driveway lot. Staff was seeking direction on the three questions listed on page 2 of the staff report.

Commissioners' questions and CDD de Melo's responses are briefly summarized as follows:

C Wozniak: Has the house been abandoned for awhile?

CDD de Mel The lot has been on and off the market for a number of years. This is as far as we've ever gone with a project for this lot. He did not know the actual status of the occupants of this building.

Chair Parsons: Do we have an ordinance on the books that prevents flag lots?

CDD de Mel In terms of a flag lot per se, we have a definition but nothing else, but we have to look at how that flag lot jibes with other development standards of the subdivision ordinance.

Commissioner Mayer: Does the slope allow for such large square footage homes?

CDD de Mel If this project makes it to the next stage it would have a topo map that we could confirm the slope parameters for each lot and could confirm what maximum floor areas would be allowed, based on each lot standing on its own relative to its slope.

Vice Chair Horton: What is the frontage that is required?

CDD de Mel Would have to check the Subdivision Ordinance, but stated that each lot has to have a minimum street frontage and a minimum lot frontage, and that's where staff's concerns were earlier on – the driveway access lot is being created to create a minimum frontage.

Commissioner Frautschi: Had assumed that the City no longer approves the formation of flag lots but that if a flag lot is there it can be developed.

CDD de Mel Will check the Subdivision Ordinance to confirm that assumption.

Chair Parsons: Could this be a Planned Unit Development (PUD)?

CDD de Mel Yes, it could. It would require a legislative act. Applicants have not broached that subject. He believes they want to do a project that meets all the development standards of the zoning code and the subdivision ordinance rather than rezone it.

Commissioner Frautschi: Would a common landscape area be allowed in a single-family development?

CDD de Mel If they did a PUD or if they created a subdivision, they would have to have CC&Rs for future maintenance of the lot. He did not believe the zoning code prohibits it.

Commissioner Mercer: Is there a precedent in Belmont of similar zoning of clusters of homes with CC&Rs for community shared property?

CDD de Mel Cited one on North Road that was rezoned from R-1A to PUD where they created a common driveway to access two of the lots along with common landscaping. He could not recall any subdivision where there is a common area.

Commissioner Mayer: Why couldn't it just part of lot 5?

CDD de Mel That is the concern. If it becomes part of one of the lots then you may fly in the face of the development standards of the subdivision ordinance. He believes this common drive is proposed so that each individual lot has access to a common driveway.

Commissioner Mayer: What would the City have to do to access Rose Lane?

CDD de Mel Staff did not have an answer to that concern at this point. Would have to have input from South County Fire.

Responding to a question from the Commission, Bernard Daniel, neighborhood resident, stated that at one time Rose Lane was a private street. When it came in disrepair they made it a public street, probably in the late '70s or early '80s.

Vice Chair Horton: Why does it have to be R-1A; it backs up to R-1H?

CDD de Mel It could be rezoned to R-1H but then there is a 1-acre minimum, which means one lot. The applicants are not seeking a rezone as part of this project.

Vice Chair Horton: Does the City own this driveway? Why wouldn't the City have some financial gain if this were to become private access?

CDD de Mel The City would need to decide whether they think it's appropriate to abandon it for this project. This project would be the thing that would spur it.

Commissioner Mayer: Why does the City have to give up the driveway?

CDD de Mel The applicants are looking to create a connection to the common driveway. The existing driveway is within the City's right-of-way. The City would need to relinquish that area to the applicant to be able to then provide the necessary driveway and connection to the common drive so that lot 1, 2, 4 and 5 would have access and meet minimum street frontage requirements for this subdivision. That's where staff has a concern about lot 6. Staff believes this common driveway is being proposed as a mechanism to create individual frontage – otherwise they would only have from one to two lots maximum that would be able to meet the City's minimum frontage requirements on a public street.

Anthony Matiasic, applicant and resident on the property, addressed the Commission and introduced his team that is working on the project. He stated that they have fine-tuned the project where everything is according to specifications.

Steve Westley, Project Architect, addressed the Commission. Regarding the abandonment, he stated that he met with a city engineer who said they can either abandon it or it can stay a public road, and we just make it a legitimate public road; he was not sure which way the City would want to go. The applicant is not pushing for an abandonment – is willing to do anything it takes to make it work. He provided a copy of his statement to the Commissioners. He commented that Mr. Matiasic does live on the property, as opposed to a greedy developer coming in, and he does want to continue living there. His existing house is lot 4 and would pretty much stay the same except to add a 2-car garage and 8' to the back. The secondary building is on part of lot 5 and part of the common area. Regarding the slopes, Mr. Matiasic wanted to make sure that each home is carefully designed so that they would all have a great view from every level. It is a

slope lot but there are advantages to that in that they were able to create all of the homes with an individual view. Another goal was to maintain the wooded feeling of the site and keep as many trees as possible. There are 149 trees noted on the survey and they tried to carefully locate the homes in order to avoid removing as many trees as possible. They will have to remove 20 trees of the 149, most of which are 5 and 6 inches, except for one 18". Regarding the shoe horn and lot intensity, they have studied the subdivision regulations and zoning ordinances and have designed the lots and homes to conform or exceed the minimum requirements. The designs will not dominate the hillsides. He disagrees with staff that the proposal is too intense for the site. They have met the various restrictive rules and regulations, which if you keep those, it will keep any project from becoming too intense. They are excited about the project and willing to work with staff, the Planning Commission, the neighbors and the City Council to make this a successful project and something that will compliment the City.

Commissioner Frautschi asked where Mr. Westley had completed other hillside designs. Mr. Westley stated Hillsborough, San Mateo, San Bruno and San Carlos – currently two in SC. He has done many additions, some in Belmont. The only Belmont project he could recall was on Monserat. He will give the Commission a list.

Chair Parsons asked if he had met with the fire department and discussed the configuration of the driveway. Mr. Westley stated that he had, it was not an extensive review, but that in a preliminary stage it appeared that what they propose in the common area would work with the fire trucks. Rose Lane is a different story – he really didn't look down there.

Chair Parsons: Asked for an estimate of cut and fill for putting 5 houses on these properties.

Louis Aritias, civil engineer representing the owner, stated that he had worked out the preliminary plans. Lot 1, 324 cubic yards of cut and no fill; Lot 2, 543 yards of cut and 15 yards of fill; Lot 3, 197 yards of cut and 12 yards of fill; Lot 4, no cut; no fill (existing house); Lot 5, 15 yards of cut and 10 yards of fill. This included the driveway.

Charles Rible, of the law firm of Fimmel, Justman and Rible, in San Mateo, stated that the reason the applicant came to him was that his firm has some experience doing CC&Rs in small subdivisions. One of the things that he was confused about is that he has always called this a private street. Most cities do not want to accept a street into their streets so they put it together as a private street. It looks like a public street with whatever the City would require as far as lighting and drainage, etc. It's not a driveway, it's a street even if the City does not accept it into

the street system. The CC&Rs would be recorded; each owner has a responsibility to maintain it. The City is a beneficiary under those CC&Rs so if things aren't maintained the City could go in there and do what it needs to do and the property owners would get a lien imposed on them by the City. He has similar ones set up in San Mateo, Millbrae, and Burlingame but not in Belmont. He wanted to be sure the Commission knows that they don't envision this as a shared driveway; they envision it as a private street that would meet all the City's requirements for a public street. This is really important to the property owner.

Chair Parsons opened the public hearing, noting that speakers will be limited to 3 minutes with a 30-second warning. CDD de Melo added that they are able to "deed" over their time to another speaker.

Steven Braat, Resident on Rose Lane, spoke as a representative of a number of neighbors on Talbryn Drive and Rose Lane and presented a prepared statement which addressed concerns about land stability, roadways, impact on traffic patterns, sewage and utility capacity, fire code, environmental and local resources and impact on quality of life. He noted that their main point is that the intensity of the land use is too extreme and then covered the issues as spelled out in their prepared statement. Speaking for himself, he stated that he is not opposed to the development of the existing property, and even if they were to add a second property but he could not see putting 5 houses there.

Elaine Patterson, neighborhood resident, spoke in opposition to the project, mainly due to concerns about movement of the earth and fire access.

Julia Tower, neighborhood resident, spoke in opposition to the project based on possible slippages and land slides.

Steve Leslie, architect for the project and neighbor, stated that they would do everything they can to stabilize the area.

Bill Kirkham, resident below Rose Lane, spoke of his concern about what would happen if there were increased traffic on Rose Lane. He could envision some serious change to his retaining wall that is directly below Rose Lane. Also opposed to removal of the trees as he wants to maintain the wooded atmosphere.

Maria Millan, neighborhood resident, concurred with the concerns stated earlier and particularly about the capacity of the sewer system. The street modifications could also impact the erosion and stability of the hill adjacent to her home.

Angie Donaldson, neighborhood resident, spoke about her concern about the stability of the hill. It fell soon after she moved in and that was directly attributable to the building of homes on Rose Lane. The side of the street is falling down and sinks when heavy trucks come in. There is constantly water on the back end of her home. Also concerned about privacy.

Dean Donaldson, neighborhood resident, wondered if surface soil samples would expose any type of underground springs that may possibly be in that hill. Water runoff is a major issue. CDD de Melo stated that if this project makes it to the subdivision or tentative map stage they would certainly require corresponding soils report for each individual home to confirm the conditions of the soil relative to the homes proposed for that soil. The applicant has started that process.

Paul Matiasic, son of the property owner, stated that he handles all legal matters for his father, except for the subdivision issues on this project. He wanted to let the surrounding residents know that they appreciate their comments, and they certainly haven't heard anything this evening that won't be addressed in the specific plans that will be submitted in the very near future with respect to land stability issues, sewage and the like. He added that Rose Lane and the area around this proposed development is already in a rather dilapidated condition and will offer a paved Rose Lane and they believe that the new construction will substantially better this part of the City. There's also a tremendous amount of pecuniary gain for the City by way of property taxes and so forth.

Commissioner's Comments:

Commissioner Frautschi:

- Thanked the neighbors for letting their concerns be known.
- This project is a good example of why Measure F should be applied City wide for all the reasons the neighbors mentioned. Using those standards, in this hilly area only the current home and possibly one more home would be allowed.

- Would not support the City abandoning its rights and entitlements to an entrance drive area in order to allow this property to work as currently depicted. Would strongly support our co-tenancy of every subdivided piece of property requiring frontage on a public roadway.
- Could not comment on the current subdivision proposal until he saw full and complete geological survey and tree surveys of the site to see what exactly we would be losing and what we would be gaining as a City.
- Does not believe the common landscape area is allowed for single-family designs. Different rules would apply for a PUD.
- At first glance this proposal is unacceptable in the intensification of the property used and of the 3 questions they were required to focus on he would answer affirmatively only to question 1 and would have great questions about the other two.

Commissioner Wozniak:

- Had walked this area as a kid and walked it today – no place to park and no place to walk. It's a very steep street and she had to park far away.
- Rose lane is dilapidated and looks dangerous and could not take any more traffic. Did not know what the applicant could do to improve it because it is very narrow.
- Getting in and out of both Rose Lane and the existing driveway is very hazardous. Adding this many more residences with that many more people coming in and out would increase the traffic hazard.
- Agreed with what some of the neighbors said. Thinks another house on this land probably could be situated in a way that would work and wouldn't cause an excessive burden.
- The intensity probably would not work in the long term.
- The overall environmental impact is an issue. It is a very nice site – we can't preserve trees and views everywhere but in this case I think we have an opportunity to do that because it is not a regular design review.
- Appreciated the fact that the applicant has situated the houses to take advantage of the view.
- Agreed with the staff report that this proposal does appear to shoehorn an excessive number of lots on this site. She would prefer not to have anything new here but do not think one other house would be a big burden. Likes the area because it is quiet and tree lined and natural, and putting all these residents in there would totally change the character. This proposal tries to do too much with the land – there are a lot of reasons nothing has been built there for so long.

Vice Chair Horton:

- There are too many houses on this site – in particular number 5 is way too close to the adjacent property line. Suggested shifting 4 over and merging Lots 4 and 5 and Lots 1 and 2.
- Rose Lane sounds like it's not a very stable spot.
- Would like the opportunity to walk around the site; "No Trespassing/Private Property" sign caused her to decide to leave.
- There are a couple of houses that look nice and some that are not at all attractive – look like they belong on some urban street somewhere. They all kind of look alike.
- Does not believe they will get 5 houses on this particular property.
- Sewer is a bad problem everywhere in Belmont.
- Water pressure could be improved by pumping.
- Infrastructure problems in the City of Belmont that whoever is going to develop this property better take a very serious look at the cost of doing that.
- Too preliminary for her to come to any real conclusion but thinks 5 might be too many.

Commissioner Mercer:

- Would not want the Commission to be accused of NIMBYism (Not In My BackYard) and is trying to look at it open minded and objectively.
- Heard nothing that would persuade her that this should not by rights be developed R-1A, which is the current zoning. Also heard nothing that persuaded her that there should be any lesser standard held to this than they would hold any R-1A.
- In answer to staff question 1, she would say "yes," with the existing zoning, but 2 and 3 could not be answered until numerous hoops were jumped through and minimum standards met.
- Would want to look at the average lot size for all the surrounding properties and compare.
- Would need to look at all of the slopes for each lot and floor area ratio.

- Saw no reason why they should give special privilege of having a private road or a flag lot or establishing a principal of establishing CC&Rs on private property, which is unprecedented in Belmont and not something they want to start.
- Saw no reason why they should be allowing a private road since it has apparently already been proven that private roads in Belmont were not maintained and had to be taken over by the City.
- Did not see why the City should start a precedent granting easements where there were none or giving away property nor accepting property. That's not in the City's benefit.
- For this plan to go forward she would want to look very carefully at the average lot size, the slope and the FAR, and the house size that would be permitted on those lots.
- Would want to look very closely at fire access and fire truck turnaround ability. Reminded that they are in an Oakland hills situation and could be the victims of a firestorm that could take out the whole little valley pretty quickly.
- Would want to look at extensive engineering reports on what we have in San Juan Canyon because we are aware that there are springs as well as differences in bedrock amongst the hills and we have existing slippage in a lot of areas.
- Would want Public Works to look very carefully at what would be needed for Rose Lane in terms of sewage upgrade, paving, drainage, lighting, utilities. All of that would require extensive work and assumed those costs would be incumbent upon the builder.
- While on the surface the applicant could develop this property, but once all of those conditions are looked at very carefully they might be lucky to get a second house in there, but without more facts, she could not even hazard a guess on questions 2 and 3.

Commissioner Mayer:

- Concurred with Commissioner Mercer.
- Question he keeps asking himself is why was this lot created the way it was to begin with – it is a very large lot which on the surface would seem to be one that could easily be subdivided except for the terrain.
- The proposed land use is appropriate for the site but the questions are the intensity and distribution.
- Really concerned about Lot 3 on Rose Lane, noting that the neighbors' concerns need to be very carefully addressed.

- Needs a lot more study and work before they can reach any kind of decision.

Chair Parsons:

- It looks like a developer has done this project; not someone who lives on the property and cares about it.
- Looked at the way the common driveway comes down in that weird configuration and the driveways don't seem to relate to the common drive.
- Looked at the elevations of the houses and what appears to be excessive coverage on lots 1, 2 and 3 in terms of the footprint of the houses. It does not seem like there's any sensitivity to the property.
- Having heard the figures on cut and fill and looking at the way the common driveway comes into house 1 where there's a major cut in the hillside, he assumed those are at least 2' contours, there will be a lot of retaining walls.
- It's shoehorning, way too much density into what he thinks is a beautiful piece of land. It would be beautiful for a single home. Without having to get into the hillsides there are a couple of flat areas where there could be a couple of houses. It's too bad number 4 is situated where it is.
- Proposed development does not appear to be sensitive to the topography – there will be too much cut and fill.
- Concerned about the number and types of trees being taken out.
- Reserved his final judgment until he sees something that has some meat to it but it appears to him that it is way too dense a development for this property.
- Biggest concern is the environmental issues associated with life safety – fire, possibility of slides, health, and then you take that and add that to the environment, the landscape, the grounds. Too dense a development.

CDD de Melo stated that they have some chief concerns about the design standards and the subdivision ordinance and will provide some answers to the questions raised.

8. VERBAL UPDATES

8A. Motel 6 – 1101 Shoreway Rd.

CDD de Melo stated that this item is in response to the Commission's request that staff bring forward the record of approvals that transpired in 1998 and 1999 when the Motel 6 extended its approvals to extend its facility to allow for 72 rooms. A copy of the 1998 staff report was made available to the Commission. The issue is that the Police Department has been working with the operators of that facility to curb the illicit activities that have transpired at that facility. A lot of Police Department resources are spent working on security issues. CDD de Melo stated that, from an operational standpoint, the only condition that is relevant is V.A., which states that "Security personnel, as approved by the Police Department, shall be on site from darkness to 8 a.m. This request is due to the high number of incidents already documented on the site." The Commission has the opportunity to call up this decision but Police Chief Mattei requested a cooling off period for about 30 days. They have been working with the manager and corporate people and are making progress. He requested that this meeting be the starting point relative to discussion but that they allow the Police Department to finish their work to try to get some better results as to what is happening at that facility. CDD de Melo asked for the Commission's wishes about the site so that he can transmit them to the Chief and the operators of the facility in advance of any future action to actually set a revocation hearing for the approvals that were granted.

Chair Parsons stated that he had called this item up because it appears that Motel 6 has been one of the most frequently visited safety service calls in different areas. One of the findings we made when we approved this project was that it would not place an undue burden on the public safety resources of Belmont but it is clear that it is becoming a major "resource eater." He also wanted to know if the requirement that when anybody stays more than 28 days they are checked out and then back in order to collect the transient occupancy tax (TOT). He felt it would be worthwhile to put some pressure on these people saying that we might have to call this thing up. He was willing to go along with the Police Chief but if it doesn't improve and we find out they're not going along with the occupancy tax condition, he felt that an audit may be called for, and the Commission should consider revoking their conditions.

CDD de Melo will do additional research about the TOT issue and will get feedback from the Police Chief to see if things have improved over the next 30 days. Will keep on Commission agenda as on-going item until they get some better answers.

Commissioner Frautschi suggested that staff also make certain they are in compliance in the landscape, grounds maintenance, etc.

Commissioner Mercer questioned whether Finding 4 in the 5/18/99 staff report could also be called into play. CDD de Melo replied that, from a performance standpoint, you look at the conditions of approval first and then you can use the overall tool that the findings are not being met. Commissioner Mercer stated that length-of-stays and police activity data on the other hotels on El Camino would help in their decision-making process.

8B. Wendy's – 698 Ralston Avenue

CDD de Melo reported that Kirk Buckman went out and confirmed that two additional trees were planted, but he wants to double check that, and he will confirm that a liquid amber tree has died relative to the driveway. Will keep on the agenda for the 18th for more definitive info as to whether all the landscaping has been installed.

8C. Safeway – 1100 El Camino Real

CDD de Melo had a good conversation with maintenance personnel last week. They were aware of the two dead and missing trees and hopefully he will have information by the 18th relative to the tree plantings, and that they will also have popped off the rings around the trunks of all the trees.

8D. Vacation/Planning Commission Meeting Schedule for Remainder of the Year.

CDD de Melo asked if there were any vacation plans that would make it possible to cancel a summer meeting. Council has canceled their August 22 and 2nd meeting in December. CDD de Melo will be gone for the 8/15 meeting but has staff that can act on his behalf. Chair Parsons recommended tentatively cancelling the September 5th meeting, depending on the workload. CDD de Melo will have a definitive date at the next meeting.

The Commission asked what happened to **Chuck's Donuts**. CDD de Melo responded that he has started creating a spreadsheet and stated that there they have a summary judgment. They sent a demand letter to the property owner; there's no room on the site to plant new trees. Will probably ask for funds to come back to the City to use for the City's tree fund. They can maybe do some edge landscaping. It's in the City Attorney's hands.

Commissioner Frautschi brought up the issue of the ordinance about banners and asked whether the Union 76 Station, the ATM at Chuck's Donuts and the Congregational Church, for example, have obtained the proper permits. CDD de Melo pointed out that on July 13 the City's Administrative Code Enforcement Ordinance becomes law and will be the ultimate tool to enforce fines. Tracking is a great idea and if they track each individual business, having these fines in place will give the City a revenue opportunity to go after it with more teeth. He explained the regulation regarding banners. Commissioner Frautschi asked if the Congregational Church on the Alameda obtained approval for the 3 signs on their property, that are on three different poles and spread all over the property. CDD de Melo said that enforcement of banners and signs is the most difficult thing for them to try to keep up with as they happen with such frequency. Commissioner Frautschi also mentioned a construction business sign at the corner of St. James and Hill – it's been posted there for 6 weeks. CDD de Melo has started a list.

Commissioner Mercer asked for a review of the rules on fences. She cited 3 residences where they have recently erected new fences either directly at the curb or directly at the sidewalk that are in excess of 5'. She is concerned about the proliferation of these – once they start putting them all the way down the street they look like alleys. She could not believe they are allowed by code and if they are there is something wrong with the code. She described the new fences that she believes should not be allowed at 2307 Coronet, 2331 Coronet, and 1916 Chula Vista. Staff will investigate.

Commissioner Wozniak mentioned that she had been promising the book "Bay Friendly Landscape Guidelines" about sustainable landscaping for landscapers. She left extra copies for whoever would want them.

Commissioner Wozniak asked if there is any way to stop the parking of the large semi-trucks along El Camino Real. CDD de Melo stated that staff will be working with the Police Department to get some answers on that issue.

Chair Parsons called attention to the 3-lot subdivision at Ralston and Coronet. He noted that they have built a huge pile of dirt that is spilling down beyond the tree fence and onto the sides of the trees, so that the trees will be lost unless they get that squared away. CDD de Melo will investigate.

**PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY,
JULY 11, 2006.**

Liaison: Commissioner Wozniak

Alternate Liaison: Commissioner Parsons

7. ADJOURNMENT:

The meeting adjourned at 10:35 p.m. to a regular meeting on Tuesday, July 18, 2006 at 7:00 p.m. at Belmont City Hall Council Chambers.

Carlos de Melo

Planning Commission Secretary

*CD's of Planning Commission Meetings are available
in the Community Development Department.*

Please call (650) 595-7416 to schedule an appointment.